

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**ANGELA CRAIG, and JENNY  
WINSLOW DAVIES,**

Plaintiffs

V.

**STEVE SIMON**, in his official capacity  
as Minnesota Secretary of State,

Defendant,

and

**TYLER KISTNER,**

**Intervenor-Defendant.**

Case No.: 0:20-cv-02066 WMW/TNL

## MOTION FOR STAY PENDING APPEAL

Intervenor-Defendant Tyler Kistner respectfully moves this Court for a stay during the pendency of Intervenor-Defendant’s Appeal to the Eighth Circuit Court of Appeals, staying this Court’s Order granting Plaintiffs’ Motion for a Preliminary Injunction. ECF No. 49 (“the Order”). The Order is sure to disenfranchise thousands of voters who *already cast votes* on the understanding—grounded in law and the Secretary’s reasonable representations—that no election for Minnesota’s Second Congressional District would occur on November 3, and will impose irreparable harm on the Intervenor-Defendant who reasonably relied on Minnesota law that the election would take place in February 2021. The balance of equities and the public interest support a stay to ensure that Minnesota voters in the Second Congressional District are able to exercise their right to choose their representative.



Intervenor-Defendant respectfully requests expedited handling of this motion, due to the imminent election on November 3. Given the exigencies of this case, including the *ongoing voting* under unequal terms, Intervenor-Defendant respectfully requests a ruling by **Noon on Tuesday, October 13, 2020**, so that he may, if necessary, seek timely relief from the Eighth Circuit.

The bases of this motion are set forth fully in the accompanying Memorandum. For the reasons stated there, the Court should grant the motion and issue a stay.

Dated: October 9, 2020

Respectfully submitted,

/s/ R. Reid Le Beau II

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